

## ADOPTION POLICY

### 1. Purpose

- 1.1 The Trust recognises the need of adoptive parents to have time off work when a child joins their family and as such this policy sets out the rights, entitlements and obligations of employees adopting a child.

### 2. Scope

- 2.1 These arrangements apply to employees of either sex, surrogate parents and parents in a same-sex relationship who are newly matched with a child for adoption and by an approved adoption agency where the child is under the age of 18.
- 2.2 An employee who adopts a child through an approved adoption agency is entitled to up to 52 weeks' adoption leave from day one of employment.

### 3. Definitions

- 3.1 Relevant definitions used in this document follow below:

**Statutory Adoption Pay (SAP)** is the rate set by the State, subject to employees meeting qualifying criteria.

**Occupational Adoption Pay (OAP)** is additional occupational pay, only payable to employees meeting the qualifying criteria.

**Average weekly earnings (AWE)** are calculated by reference to the earnings in the 8 weeks prior to the qualifying (matching) week.

**Keeping in touch days (KIT)** Employees may, in agreement with their manager, do up to 10 days' paid work under their contract of employment during adoption leave.

**Ordinary Adoption Leave (OAL)** is the first 26 weeks of the leave period.

**Additional Adoption Leave (AAL)** is a further 26 weeks leave (providing up to 52 continuous weeks in total)

**Matching Week** is the week in which the employee is notified of being matched with the child for adoption.

### 4. Qualification arrangements

- 4.1 To qualify for adoption leave an employee must:
- be newly matched<sup>1</sup> with a child for adoption by an approved adoption agency or surrogacy arrangement.
  - be employed in the week in which they are notified of being matched with the child for adoption.
  - have provided written notification to take adoption leave within 7 days of the date they are notified of a match.
  - take the leave for the specific purpose of caring for an adopted child.

<sup>1</sup> Adoption leave is only available when an approved adoption agency notifies an employee of a new match with a child. It is not available in circumstances where the child is not newly matched for adoption, for example when a step-parent is adopting a partner's child or for adoptions by foster parents.

- 4.2 Where a couple jointly adopt a child, only one of them is entitled to take adoption leave, however they may be eligible for shared parental leave (refer to the shared parental leave policy).

## 5. Pre-adoption interviews

- 5.1 An employee adopting a child alone is entitled to take paid time off to attend up to five adoption appointments capped at a maximum of 6.5 hours per appointment, although employees must only take the time they need to attend the appointment.
- 5.2 Where an employee is part of a couple jointly adopting a child, the couple can elect for one of them to take paid time off to attend up to five adoption appointments and the other can elect to take unpaid time off to attend up to two adoption appointments.

## 6. Length of adoption leave

- 6.1 The adoption leave period consists of 26 weeks' paid Ordinary Adoption Leave, followed immediately by a further 26 weeks' unpaid Additional Adoption Leave (52 weeks in total).
- 6.2 An employee can choose to start their leave:
- From the date of the child's placement; or
  - From a fixed date which can be up to 14 days before the expected date of placement for UK adoptions. For overseas adoptions, this is when the child arrives in the UK or within 28 days of this date.
- 6.3 Only one period of leave is available, irrespective of the number of children placed for adoption at the same time.
- 6.4 If the child's placement ends during the adoption leave period the employee is able to continue adoption leave for up to 8 weeks after the end of the placement.
- 6.5 If an employee starts their adoption leave before the child is placed, they need to be sure that the placement is going ahead. If it is delayed and the employee has started their adoption leave, they cannot stop the leave period and start it again at a later date.

## 7. Notification of intention to take adoption leave

- 7.1 Employees should inform the Headteacher as soon as possible that they are adopting a child.
- 7.2 Employees who have been notified by an approved adoption agency that they have been matched with a child for adoption and who wish to take adoption leave should notify the Headteacher in writing within 7 days of receiving the notification to state:
- Their intention to take adoption leave.
  - When the child is expected to be placed with them for adoption.
  - When the adoption leave period is to start.
- 7.3 Employees must attach a copy of the matching certificate.
- 7.4 Requests to take adoption leave must be made at least 28 days before the leave is due to commence unless it is not reasonably practicable to do so.
- 7.5 Employees may amend the date from which the adoption leave is due to commence by making a request in writing, normally giving 28 days' notice of the new date.
- 7.6 When the commencement date of the adoption leave is agreed, the employee will receive written confirmation of the arrangements including the intended return to work date within 28 days.

## 8. Statutory Adoption Pay (SAP)

- 8.1 Employees who take Adoption Leave will also qualify for Statutory Adoption Pay, provided
- that they have 26 weeks' service at the week in which notification of matching was given by the adoption agency; and
  - that they have an average weekly earnings not less than the lower earnings limit for national insurance contributions for the 8 week period ending with the matching week.
- 8.2 The rate of SAP is a weekly state benefit, the conditions of which and the amount payable are set by the State. SAP is payable for up to 39 weeks, after which no further pay will be made.
- 8.3 Payment of SAP will be made via the payroll on the normal pay day and is subject to normal PAYE deductions.
- 8.4 If employees do not qualify for SAP they will receive a SAP1 form (non-payment of Statutory Adoption Pay) explaining why they are not entitled to receive SAP.

## 9. Occupational Adoption Pay (OAP)

- 9.1 The Trust offers OAP for employees who have at least 52 weeks' continuous service at the matching week. OAP is calculated using the same reference period as SAP.

Period	Teachers' entitlement	Support staff entitlement
First 4 weeks (1-4)	Full pay	90% of AWE
Next 2 weeks (5-6)	90% of AWE	90% of AWE
Next 12 weeks: (7-18)	Half pay based on AWE (OAP) plus SAP providing this does not exceed normal full pay	Half pay based on AWE (OAP) plus SAP providing this does not exceed normal full pay
Last 21 weeks(19-39)	SAP only	SAP only

- 9.2 If the employee does not return to work for a period of at least 13 weeks' service following the adoption leave period, the Trust will require them to refund the 12 weeks' OAP paid at 50% AWE or if they have received less than 12 weeks' OAP at 50% AWE (because they returned to work or left employment), the amount of OAP which they have been paid. Employees will not be required to refund any SAP.

## 10. The contract of employment during adoption leave

- 10.1 During Ordinary and Additional Adoption Leave, all contractual rights and benefits, with the exception of remuneration, will continue to apply. Adoption leave counts towards continuous service.
- 10.2 Pension rights and contributions shall be dealt with in accordance with the prevailing regulations of the relevant scheme.

## 11. Working during adoption leave (keeping in touch days)

- 11.1 An employee may carry out up to 10 days' work at any stage during any period of adoption leave without bringing the adoption leave to an end. This can include training and any activity designed to keep the employee up to date and can be a full day or a half day.
- 11.2 Any work carried out will be by mutual agreement between the Headteacher and employee. The Headteacher will not be obliged to offer, nor will any employee be obliged to attend work, whilst on adoption leave.

- 12.3 KIT days are paid at the employee's normal rate of pay. Where Statutory Adoption Pay (SAP) is being paid, the pay will be topped up to the employee's normal rate. Where no SAP is being paid, the full normal rate will be paid for the day or half day.
- 12.4 The total duration of the adoption leave period is a maximum of 52 weeks, regardless of whether or not an employee works a full or half keeping in touch day.

### 13. Contact during adoption leave

- 13.1 Both parties are entitled to make and maintain reasonable contact with each other during adoption leave. The Headteacher will discuss with the employee the type and frequency of contact to be maintained whilst on adoption leave prior to the start of the leave period.
- 13.2 It may be reasonable for a Headteacher to ask for a non-binding indication of return to work plans to support forward planning.

### 14. Returning to work after adoption leave

- 14.1 Employees who return to work upon expiry of the Additional Adoption Leave period and who do not intend to change the date of return, do not need to provide additional notification of the return to work date.
- 14.2 Employees who intend to return to work before the end of the leave period should provide 21 days' written notice of their return by setting out in writing the date on which they intend to return to work.
- 14.3 If an employee returns to work without providing the required notice, The Trust has a right to delay the return by up to 21 days, provided this does not extend beyond the date of the maximum leave entitlement.
- 14.4 Employees returning to work from a period of adoption leave will normally return to the same role. Where, in exceptional circumstances, this is not possible, it will be to a similar role which is both reasonable and suitable for the employee to perform. This will be on terms and conditions which are not less favourable than those which would have applied to the employee if they had not been on adoption leave. The situation will differ, however, if a redundancy situation has arisen during the period of adoption leave or arises on the employee's return from adoption leave and normal redundancy consultation proceedings will apply.
- 14.5 Employees returning from adoption leave may wish to request a different working pattern. If so, applications should be made via the flexible working procedure.
- 14.6 If an employee decides not to return to work at the end of the adoption leave period, they must tender their resignation, providing the contractually required length of notice.

### 15. Fostering for adoption

- 15.1 Although adoption leave is not available to adoptions by foster parents, The Trust recognises that employees may foster with a view to adopt. Requests for reasonable time off in respect of introductions to the child where there is an intention to adopt, and for any legal proceedings, will be considered sympathetically.

## 16. Shared parental leave

- 16.1 Shared parental leave enables adopters to commit to ending their adoption leave and pay at a future date, and to share the untaken balance of leave and pay as shared parental leave and pay with their partner, or to return to work early from adoption leave and opt in to shared parental leave and pay at a later date. Please refer to the shared parental leave policy.

## 17. General Data Protection Regulation

- 17.1 All data within this policy will be processed in line with the requirements and protections set out in the General Data Protection Regulation.

### Document management

Review cycle:	Every two years
Next review due:	May 2020
Policy owner	Head of Human Resources
Approving body:	Board of Trustees
Equality Analysis completed:	25.7.17